

Serial 13
Choice of Law
(Limitation Periods)
Mr Manzie

NORTHERN TERRITORY OF AUSTRALIA
CHOICE OF LAW (LIMITATION PERIODS) BILL 1994

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

relating to limitation periods for choice
of law purposes

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Choice of Law (Limitation Periods) Act 1994*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. APPLICATION

This Act extends to a cause of action that arose before the commencement of this Act but does not apply to proceedings instituted before that commencement.

4. DEFINITIONS

In this Act, unless the contrary intention appears -

"court" includes an arbitrator;

"limitation law" means a law that provides for the limitation or exclusion of any liability or the barring of a right of action in respect of a claim by reference to the time when a proceeding on, or the arbitration of, the claim is commenced.

5. CHARACTERISATION OF LIMITATION LAWS

If the substantive law of another place being a State or another Territory of the Commonwealth or New Zealand, is to govern a claim before a court of the Territory, a limitation law of that place is to be regarded as part of that substantive law and applied accordingly by the court.

6. EXERCISE OF DISCRETION UNDER LIMITATION LAW

Where a court of the Territory exercises a discretion conferred under a limitation law of a place being a State or another Territory of the Commonwealth or New Zealand, that discretion, as far as practicable, is to be exercised in the manner in which it is exercised in comparable cases by the courts of that place.
